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RESPONSE

## Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

[ ] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner \_\_\_\_\_ at Facsimile No. \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Dated: Nov. 18, 2002 Name of Person Certifying: Nancy Hine  
Printed Name: Nancy Hine

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Parkash S. Gill	Assignee:	Not Assigned
Filing Date:	January 19, 2000	Examiner:	Sean McGarry
Serial No.:	09/487,023	Group Art Unit:	1635
Title:	Method and Composition for Treatment of Kaposi's Sarcoma		

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Assistant Commissioner for Patents  
Washington, D.C. 20231

## RESPONSE UNDER 37 C.F.R. § 1.111

This is in response to the Office Action dated May 17, 2002 ("Office Action" or "Paper 9"). Included in the Response & Fee Transmittal is authorization for the USPTO to withdraw a fee to extend the period for response until November 17, 2002. This Amendment/Response is therefore timely filed. Applicants respectfully request consideration of the above-identified application in view of the following remarks. A clean copy of the claims pending and at issue is attached as Appendix A (entitled "Clean Pending Claims").

## REMARKS

## I. Rejections Under 35 U.S.C. 102(e)

The Examiner rejected claims 1, 9, 11, 13, 14, and 15 as allegedly inherently anticipated by any of three U.S. patents granted to Robinson et al. [U.S. Pat. Nos.: 5,801,156; 5,710,136; and 5,814,620], or the patent of Uchida et al. [U.S. Pat. No. 6,150,092]. The Examiner's inherent anticipation argument is premised on the erroneous assumption that the antisense oligonucleotides recited in the references "inherently possess the ability to inhibit at the conditions recited in the claims without evidence to the contrary."

Applicant respectfully traverses. None of the cited references teach antisense oligonucleotides "which inhibit the proliferation of cultured Kaposi's sarcoma cells at an IC<sub>50</sub>